





Sir:

Transmitted herewith for filing is the reissue application of

Inventor(s):

Mark F. McCarty

U.S. Patent No.:

5,929,066

Issued:

February 2, 1999

For:

CHROMIUM/BIOTIN TREATMENT OF TYPE II DIABETES

Enclosed are:

- (X) Original patent deed, U.S. patent no. 5,929,066.
- (XI) Reissue Preliminary Amendment and Statement Under 37 C.F.R. 1.173(c).
- (X) A single-sided copy of the specification, claims, and abstract.
- (X) Reissue Declaration by inventor.
- (X) Assent of Assignee to Reissue and Statement Under 37 CFR 3.73(b) with copy of Agreement of Merger and copy of previously recorded assignment.
- (X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.
- (X) Reissue Application Fee Determination Record.
- (X) Return prepaid postcard.
- (X) A check in the amount of \$531 to cover the filing fee is enclosed.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 11-1410.

Richard E. Campbell
Registration No. 34,790
Attorney of Record



# **Knobbe Martens Olson & Bear LLP**

Intellectual Property Law



620 Newport Center Drive Sixteenth Floor Newport Beach, CA 92660 Tel 949-760-0404 Fax 949-760-9502 www.kmob.com



Assistant Commissioner for Patents Washington, D.C. 20231

### **CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Attorney Docket No. :

NUTRI.018RA

Applicant(s)

Mark F. McCarty

For

CHROMIUM/BIOTIN

TREATMENT

OF

TYPE II DIABETES

Attorney

Richard E. Campbell

"Express Mail"

Mailing Label No.

EL 842763782

**Date of Deposit** 

July 24, 2001

I hereby certify that the accompanying Transmittal with a single-sided copy of the specification, claims, and abstract; Original Patent Deed; Reissue Preliminary Amendment and Statement Under 37 C.F.R. 1.173(c); Reissue Declaration by Inventor; Assent of Assignee to Reissue and Statement Under 37 CFR 3.73(b); Verified Statement Claiming Small Entity Status; Reissue Application Fee Determination Record; Check for Filing Fee; Return Prepaid Postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

S:\DOCS\REC\REC-5758.DOC\072401

Docket No.: NUTRI.018RA

Date: July 24, 2001

#### REISSUE APPLICATION FEE DETERMINATION RECORD

	CLAIMS AS FILED - PART I							
		NUMBER I	FILED IN APPLICATION	NUMBER EXTRA	RATE	FEE		
BASIC FEE						\$355		
TOTAL CLAIMS	10				\$9	\$0		
INDEP. CLAIMS					\$40	\$0		
						\$355		
	7	FOTAL FI	LING FEE			<b>\$333</b>		
finish faces from the control of the		FOTAL FI	LING FEE			<b>4333</b>		
if there is the start is the st	1		LING FEE	DED - PART	П	\$333		
FOR	CLAIMS REMAI	CL INING		DED - PART	II RATE	ADDITIONAL FEE		
FOR	CLAIMS REMAI AFTER AMEND	CL INING I MENT I	AIMS AS AMEN HIGHEST NO. PREVIOUSLY	PRESENT		ADDITIONAL		
FOR	CLAIMS REMAI AFTER AMEND	CL INING MENT	AIMS AS AMEN HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE		

- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-1410.
- (X) A check in the amount of \$531 to cover the filing fee is enclosed.
- (X) Return prepaid postcard.

**TOTAL FEES:** 

Richard E. Campbell Registration No. 34,790 Attorney of Record 531

UTRI.018 RA

Date: July 23, 2001

#### NUTRI,018 RA

PATENT

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application for Reissue of:					
Applicant	:	Mark F. McCarty	ነ ) ነ		
U.S. Patent No.	•	5,929,066	) )		
Issued	:	July 27, 1999	) }		
Appl. No.	•	09/110,511	) )		
For		CHROMIUM/BIOTIN TREATMENT OF TYPE II DIABETES	/))))))		

## ASSENT OF ASSIGNEE TO REISSUE AND STATEMENT UNDER 37 CFR 3.73(b)

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee, NUTRITION 21, LLC ("Assignee"), a New York Limited Liability Company, with its principal place of business at 4 Manhattenville Road, Purchase, NY 10577.

Assignee hereby assents to the accompanying application for reissue of the above-identified letters patent.

In accordance with 37 CFR 3.73(b), Assignee represents that it is the assignee of the entire right, title and interest in the above-identified letters patent by virtue of a merger with the owner of record which received an assignment from the inventor of said letters patent. The assignment from the inventor to the owner of record is recorded in the U.S. Patent and Trademark Office at Reel 9304, Frame 0982, copy attached. The agreement of merger between the owner of record and the assignee is attached herewith.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Benjamin T. Sporn Typed or printed name

Senior Vice President and Secretary Title

S:\DOCS\JLD\JLD-1503,DOC